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In re application of
Leonid Dorfman et al.

Serial No. 09/804,876

Filed: March 13, 2001

For: Mo-Cu COMPOSITE POWDER :

:
: DECISION ON
: PETITION
:

This is a response to the PETITION UNDER 37 C.F.R. §1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed September 07, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed August 24, 2004, be withdrawn since the applicant did not receive the Office letter mailed December 30, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, MPEP 711.03(c). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant did not receive the Office letter mailed December 13, 2003. The evidence provided includes a statement by the petitioner that the Office letter mailed December 13, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter mailed December 13, 2003 was not received. Also provided is a copy of the attorney's application docket records where the Office letter mailed December 13, 2003 would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Office letter originally mailed December 13, 2003 and restarting of the period of response from the remail date thereof.

The Petition is GRANTED.

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